

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

**RAYMOND RIDDICK,**

**Plaintiff,**

**VS.**

**NORFOLK SOUTHERN RAILWAY CO.,  
NORFOLK SOUTHERN CORPORATION  
Defendants.**

§  
§  
§  
§  
§  
§  
§  
§

**Civil Action No. \_\_\_\_\_**

**COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, RAYMOND RIDDICK, hereinafter referred to as Plaintiff, complaining of NORFOLK SOUTHERN RAILWAY CO. and NORFOLK SOUTHERN CORPORATION, Defendants, and for this cause of action would respectfully show as follows:

**I.**

**Parties**

1. Plaintiff is an individual and resident of Jamestown, North Carolina.
2. Norfolk Southern Railway Co. is a Virginia corporation with its principal place of business in Norfolk, Virginia. It can be served with process by serving its registered agent, Joseph H. Carpenter, IV, 3 Commercial Place, Norfolk, VA, 23510-2191.
3. Norfolk Southern Corporation is a Virginia corporation with its principal place of business in Norfolk, Virginia. It can be served with process by serving its registered agent, Joseph H. Carpenter, IV, 3 Commercial Place, Norfolk, VA, 23510-2191.
4. Norfolk Southern Railway Co. and Norfolk Southern Corporation will collectively be referred to as Norfolk Southern or Defendants.

**II.**

**JURISDICTION**

5. This court has jurisdiction over the parties pursuant to 28 U.S.C. §1332 as the parties are diverse.

a. Plaintiff is an individual and is a citizen of Jamestown, North Carolina.

b. Defendants are both Virginia corporations with principal places of business in Virginia.

6. The amount in controversy that is at stake is well in excess of \$75,000, not counting interest and costs of court, because Plaintiff suffered serious personal injuries in the accident.

**III.**

**VENUE**

7. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in this District. Plaintiff files suit in the Norfolk Division because his claim arises out of an accident that occurred in Norfolk, Virginia.

**IV.**

**FACTUAL BACKGROUND**

8. This is a suit for negligence.

9. On May 30, 2019, an employee working in the course and scope of employment for Defendants was operating a forklift in Norfolk, Virginia.

10. The forklift was owned, maintained, and controlled by Defendants.

11. While operating the forklift, the operator dropped train wheels onto the trailer that Plaintiff was standing on.

12. Plaintiff fell from the trailer as a result of the wheels dropping onto the trailer.

13. The Defendants' negligence proximately caused the accident and the personal injuries and damages suffered by Plaintiff.

**V.**

**CAUSE OF ACTION**

14. The Defendants had common-law and statutory duties to use ordinary care in the operation of the forklift. They negligently breached those duties and that negligence proximately caused Plaintiff's injuries and damages. Specifically, Defendants were negligent in the following particulars:

- a. for their employee
  - i. failing to keep a proper lookout;
  - ii. failing to control the forklift;
  - iii. failing to properly move and lower the wheels safely and effectively;
  - iv. failing to avoid the incident; and
- b. for
  - i. failing to properly train their employee;
  - ii. failing to implement proper safe loading and unloading procedures; and
- c. all other acts deemed negligent.

**VI.**

**DAMAGES**

15. Because Plaintiff's bodily injuries were proximately caused by Defendants' negligence, Plaintiffs are entitled to reasonable and proper compensation for the following damages:

- a. Physical pain, mental anguish, emotional distress, impairment, and disfigurement in the past and future;

- b. Medical expenses, in the past and future;
- c. Lost wages and loss of earning capacity, in the past and future; and
- d. Loss of household services, in the past and future.

**VII.**

**JURY DEMAND**

16. Plaintiff requests a trial by jury and would show that the appropriate fee is paid contemporaneously with this filing of this Complaint.

**VIII.**

**PRAYER**

17. For these reasons, Plaintiff respectfully prays that Defendants be cited to appear and answer herein, and that Plaintiff have judgment, jointly and severally against Defendants for the following:

- a. actual damages;
- b. costs of court;
- c. prejudgment and post-judgment interest at the highest rates allowed by law; and
- d. any and all such other and further relief to which Plaintiff may be entitled, at law or in equity.

Respectfully submitted,

RAYMOND RIDDICK

By: /s/ Charles B. Lustig  
Of counsel

John M. Cooper, Esquire  
Virginia State Bar No. 29064  
[jcooper@cooperhurley.com](mailto:jcooper@cooperhurley.com)  
Charles Barnet Lustig, Esquire  
Virginia State Bar No. 29442  
[clustig@cooperhurley.com](mailto:clustig@cooperhurley.com)

Cooper Hurley Injury Lawyers  
125 St Pauls Blvd, Ste. 510  
Norfolk, Virginia 23510  
757-333-3333 (phone)  
757-455-8274 (facsimile)  
Counsel for Plaintiff

and

Jeff Seely, Esquire  
Texas Bar No. 24033172  
[jseely@geslawfirm.com](mailto:jseely@geslawfirm.com)  
Gordon, Elias & Seely, LLP  
1811 Bering Drive, Ste. 300  
Houston, TX 77057  
(713) 668-9999 (phone)  
(713) 668-1980 (facsimile)  
Counsel for Plaintiff (*Pro Hac Vice* Pending)